

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-20 are currently pending. Claims 1, 6, 11, and 16, which are independent, are hereby amended. Support for this amendment is provided throughout the Specification, specifically at Figure 4.

No new matter has been introduced by this amendment. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-20 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,668,597 to Parulski et al. (hereafter merely "Parulski") in view of U.S. Patent No. 6,700,610 to Kijima et al. (hereinafter, merely "Kijima") and in further view of U.S. Patent No. 4,841,369 to Nishizawa, et al. (hereinafter, merely "Nishizawa").

### **III. RESPONSE TO REJECTIONS**

Claim 1 recites, *inter alia*:

"An image photographing apparatus...

**wherein the single detection area is located at a central area of an effective pixel plane and includes only consecutive horizontal lines,**” (emphasis added)

It is respectfully submitted that Parulski, Kijimam and Nishizawa, taken alone or in combination, fail to teach the above-recited features of independent claim 1. Specifically, Applicant submits that there is no teaching or suggestion an image photographing apparatus “wherein the single detection area is located at a central area of an effective pixel plane and includes only consecutive horizontal lines”, as recited in claim 1.

Indeed, claim 1 recites specific features of the single detection area. None of the references relied upon by the Office Action discloses or teaches the above-identified features of claim 1.

Therefore, Applicant submits that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 6, 11 and 16 are also patentable.

Therefore, Applicant submits that independent claims 1, 6, 11 and 16 are patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

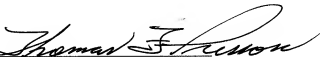
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800